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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,307	06/25/2003	Edwin Albert James Chalk	AQL-1	3199

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EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,307	Applicant(s) CHALK, EDWIN ALBERT JAMES	
	Examiner Bethany L. Griles	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0811</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8-10, 15, 16, 18, 19-22, and 24 are rejected under 35

U.S.C. 102(b) as being anticipated by Huff US5816194.

3. Regarding claims 1, 9, 20, .Huff discloses a valve arrangement 17 adapted to be fitted to a container at least partially filled with liquid, for dispensing the liquid from the container to the mouth of an animal on demand of the animal, the valve arrangement 17 comprising a first tube portion 16a adapted to pierce a portion of the container to receive liquid from the container, a second tube portion provided with an end 25 to be used by the animal, and a valve means 17 adapted to be actuated by the animal to permit the flow of the liquid from the container to the end of the second tube portion.

4. Regarding claim 2, Huff discloses that the first tube portion 16a has an end thereof shaped to form at least one sharply angled region, which sharply angled region facilitates piercing of the portion of the container by the first tube portion.

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5. Regarding claim 3, Huff discloses that the first 16a and second 25 tube portions of the valve arrangement 17 are formed as an integral unit (refer to the integration of the parts in figure 1).

6. Regarding claim 4, Huff discloses that the first 16a and second 25 portions of the valve arrangement are assembled together (col 3, lines 15-25).

7. Regarding claim 6, Huff discloses that the valve arrangement 17 is adapted to be secured to a structure associated with the animal by means selected from a clip, a ferrule, a threaded cap, a grommet, a washer, a bracket, and a cradle (col 2, line 57).

8. Regarding claim 8, Huff discloses that the valve means comprises a non-return valve actuated by the animal and adapted to permit flow of the liquid through the valve arrangement from the container towards the animal but to prevent any flow of the liquid from the animal to the container (col 2, line 62-col3, line 5).

9. Regarding claim 10, Huff discloses the container 11 is of rigid form comprising a filtered vent (refer to elements 32 and 33 in figures 3 and 4) to relieve a vacuum created within the container as the liquid is dispensed therefrom to the animal.

10. Regarding claims 15, 18, Huff discloses the container comprises a material selected from a plastics material, rubber, treated paper and cardboard, cloth and fibre materials (col 3, line 31).

11. Regarding claim 16, Huff discloses that the container is hermetically sealed, in that the closed valve forms an airtight seal (col 1, line 50-55).

12. Regarding claims 19 and 24, Huff discloses the container is provided with means for suspending it from suitable support means (col 3, lines 1-2).

13. Regarding claim 21, Huff discloses that the portion of the container pierced by the first tube portion of the valve is a seal means (col 2, lines 62-67).

14. Regarding claim 22, Huff discloses that the container is provided with a connecting tube 24 extending therefrom and wherein the seal means 31, 34 comprises a membrane provided in the connecting tube.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff US5816194.

17. Regarding claim 5, Huff substantially discloses the invention as described above, including the fact that the first and second portions of the valve arrangement are assembled together via press fitting (col 3, line 24).

18. Huff does not disclose that the first and second portions of the valve arrangement are assembled together via threaded engagement.

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the valve portions via threaded engagement as the two

forms of attachment are functional equivalents and the Applicant assigns no criticality to the use of a threaded engagement attachment over a press fitting attachment.

20. Regarding claim 11, Huff discloses a vent assembly 17.

21. Huff does not disclose the vent assembly includes a Hepa filter.

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a Hepa filter in the vent assembly of Huff in order to minimize the occurrence of the transfer of communicable disease to animals using the device. It is old and well known in the art to use filters on water supply systems.

23. Regarding claims 17 and 23, Huff discloses the use of a container 11.

24. Huff does not disclose that the container is individually wrapped prior to use, or that there is a removable cap over the seal means.

25. It would have been obvious to one of ordinary skill in the art, and an obvious matter of design choice of Huff, to individually package and seal an item prior to sale and use, as Huff does disclose that the device can be used to dispense liquid nutrients or medicinal solutions (col 4, line 38) and it would be important to retain sterility of a device used to dispense such substances.

26. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huff in view of Cross US5065700

27. Regarding claim 7, Huff discloses that the valve means comprises a pin 22 having a head portion 31, 34, engaging an apertured seal, the pin 22 having an end

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extending from the second tube portion 25 of the valve means and adapted to be contacted by the animal to raise the head portion from the seal against force to permit flow of the liquid through the valve arrangement from the container.

28. Huff does not disclose a spring.

29. Cross discloses a spring 26 used in conjunction with a pin 16.

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Cross of a spring attached to the pin to the invention of Huff in order to provide better control of the valve assembly and to ensure the seal is watertight until acted on by the animal.

31. Claims 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff in view of Donawick et al. US5163923.

32. Regarding claims 12, 13, and 14, Huff discloses a container for liquid 11.

33. Huff does not disclose that the container is arranged to collapse under atmospheric pressure as the liquid is dispensed therefrom to the animal.

34. Donawick discloses a container 21 which collapses under atmospheric pressure as liquid is dispensed to the animal.

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Donawick of a collapsible container to the fluid dispensing device of Huff in order for the caretaker to be able to visually inspect

when the animal had emptied the container, and to further ensure a minimal passage of potential pathogens to the animal.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hostetler GB2200726A; Dolan et al. US4819585; Chang US5131622; Thompson US6058881; Niki et al. US6339998; Lin US6739283; Momont et al. US6748889; Johnston, Jr. et al. US5884583.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Bethany L. Griles
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blg



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3643



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